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RULE 1

[LR10-AR00-1]

APPLICABILITY OF RULES

A. Scope. The following Administrative Rules of Practice shall apply to cases filed in the Circuit and Superior Courts of Clark County, Indiana, but the Rules shall not apply to criminal cases or cases on the Small Claims Docket unless otherwise indicated.

B. Effective Date. These Rules shall be effective January 1, 2007, and shall supersede the rules currently applied in the Courts.

C. Citation. These Rules may be cited as Local Administrative Rule __ [LR10-AROO-__].

D. Purpose. These Rules are promulgated pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure and the Second Amended Schedule for All Local Court Rules issued by the Indiana Supreme Court Division of State Court Administration

RULE 2

[LR10-AD3-2]

ADMISSION TO PRACTICE

A. Generally. No attorney shall be permitted to practice before a Court as an attorney, except on his own behalf when a party, unless he is a member in good standing of the Bar of the Supreme Court of Indiana.

B. Foreign Attorneys. An attorney who is a member in good standing of the bar of the highest court of another state may appear, in the trial court's sole discretion, as an attorney in the Court of a particular proceeding so long as the foreign attorney appears with a member of the Bar of the Supreme Court of Indiana after petitioning the trial court for the courtesy and disclosing in the petition all pending cases in Indiana in which the foreign attorney has been permitted to appear and otherwise comply with Rule 3 of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys.

C. Responsibility of Indiana Counsel. Indiana counsel shall sign and be jointly responsible for the contents of all pleadings, motions, briefs, and papers filed in the proceeding, and shall also appear in person with the attorney at each stage of the proceeding.

RULE 3
[LR10-TR3-3]

APPEARANCE AND WITHDRAWAL OF APPEARANCE

A. Initial Appearance. An attorney entering an appearance for any party shall file a written appearance in compliance with Trial Rule 3.1 of the Indiana Rules of Trial Procedure.

B. Withdrawal of Appearance. Except for appearances in estates, guardianships, or criminal matters, an attorney desiring to withdraw an appearance in any other proceeding shall file a written motion requesting leave to withdraw accompanied by a notice of hearing or proof satisfactory to the Court that a notice has been given to the client and all other parties of record at least ten (10) days in advance of the withdrawal date. The actual withdrawal date shall be set forth in the written notice.

C. Withdrawal in Estate, Guardianship, or Criminal Cases. An attorney desiring to withdraw his appearance in an estate, guardianship, or criminal case shall file a written notice requesting leave to withdraw accompanied by a notice of hearing which shall be served upon the personal representative, guardian, or criminal defendant directing the person to appear at the hearing. Proof of the notice shall be submitted to the Court at the time of the hearing.

D. Waiver of Rule. A motion for leave to withdraw an appearance accompanied by a written appearance of successor counsel and except for appearances in estate, guardianship, or criminal cases, a motion to withdraw appearance accompanied by the written consent of the client shall constitute a waiver of the requirements of this rule.

RULE 4
[LR10-AR00-4]

DUTY OF ATTORNEYS TO PREPARE ENTRIES

A. Preparation of Entry. When opposing counsel has appeared in a proceeding, the attorney who has agreed to prepare an entry as requested by the Court shall place on the last page of the entry appropriate signature lines indicating “prepared by” and “reviewed by” and shall submit the entry to opposing counsel for examination. Opposing counsel shall promptly examine the entry when submitted, shall sign the entry, and shall submit the entry to the Court within five (5) days of receiving the entry. If opposing counsel does not agree with the entry, counsel shall advise the Court and request a conference, telephonic or otherwise.

B. Failure to Submit Entry. If opposing counsel shall fail or refuse to sign the entry without advising the Court as to any objections to the entry, the preparing attorney shall submit the entry to the Court advising by letter of opposing counsel’s failure or refusal and the Court shall accept the entry without opposing counsel’s signature.

C. Failure to Prepare Entry. If an attorney agrees to prepare an entry and then fails to do so within fifteen (15) working days of the Court’s request, opposing counsel may prepare the entry and submit the entry to the Court advising the Court by letter of the efforts made to gain preparation of the entry by opposing counsel. Failure of counsel to prepare an entry as agreed may subject counsel to sanctions including the assessment of reasonable attorney fees for the attorney who prepared the entry.

RULE 5
[LR10-AR00-5]

PAYMENT OF FEES

A. Initial Fees. All fees associated with the filing of a case shall be prepaid into the Office of the Clerk of the Court when the case is filed.

B. Transfer Fees. All fees and costs associated with the transfer of a case to another county or transfer of a case from the small claims docket to the civil plenary docket shall be paid within twenty (20) days of the order directing transfer and the failure to pay the fees and costs shall result in the rescinding of the order directing transfer and jurisdiction shall remain with the originating court.

RULE 6
[LR10-TR5-6]

PROOF OF SERVICE

A. Requirements of Trial Rule 5. Proof of service of pleadings or papers required to be served by Trial Rule 5 of the Indiana Rules of Trial Procedure may be made either by:

[1] a certificate of service signed by an attorney of record which certificate shall identify by name and address the person or persons to whom service is directed; or

[2] an acknowledgment of service signed by the party served or the attorney of record if such party is represented by an attorney.

B. Service of Process. Except for proof of service of process which may appear on computerized records, court personnel shall not be required to review court files to determine if a party has acquired service of process.

RULE 7
[LR10-AR00-7]

FORM AND STYLE OF PLEADINGS
FILING OF PLEADINGS

A. Signature Required. Any pleading, motion, brief or paper not signed by an attorney admitted to practice pursuant to Local Administrative Rule 2 shall not be accepted for filing, or, if inadvertently accepted for filing, shall upon discovery be stricken from the record by the Court upon its own motion and by an appropriate minute placed on the Chronological Case Summary.

B. Paper Size. All pleadings, motions, entries, orders, judgments and other papers shall be filed on letter size [8 1/2 x 11] paper.

C. Flat Filing. The files of the Clerk of the Court shall be kept under the flat filing system. All pleadings presented for filing with the Clerk shall be flat and unfolded.

D. Certificates of Service. All certificates of service shall identify by name and address the person or persons to whom service is directed.

E. Identification. Every pleading, motion, brief, and paper shall clearly identify the name, office address, telephone number, and Indiana Supreme Court Attorney Number of the individual attorney or attorneys filing same.

F. Uniform Pleading Header. Every pleading shall have a header in the following style:

**IN THE _____ COURT FOR CLARK COUNTY
STATE OF INDIANA**

G. Description of Case. The word “Case” shall be used in presenting the number assigned to the action, such as Case # 10CO1-2007-CP-0001.

H. Use of Paralegal. All pleadings, motions, briefs and papers may be filed by the attorney’s secretary or paralegal.

I. Orders and Entries. Except as required by Local Administrative Rule 4, all proposed orders and entries shall reflect the name of the preparer under the indication “tendered by”, shall be submitted in sufficient number for each person entitled to service, and shall contain a distribution list identifying by name and address each person entitled to service.

J. Scheduling Orders. Proposed orders accompanying motions for the scheduling of matters for hearing, pre-trial conference and trial shall contain adequate space for the insertion of a time and date for the primary setting of the matter and a secondary setting, if desired.

K. Use of Special Judge. If a case has a special judge, such fact shall be indicated by the words SPECIAL JUDGE (NAME) placed directly beneath the case number. Unless otherwise directed by a special judge, after qualification by the special judge, a copy of each document filed thereafter in the proceeding shall be served on the special judge at his private office or at the Court where the special judge regularly presides and the proof of service shall reflect such service.

RULE 8
[LR10-AR00-8]

CASE ALLOCATION PLAN
ASSIGNMENT OF CIVIL AND JUVENILE CASES

A. Applicability. This rule shall apply only to those cases filed in the Circuit and Superior Courts in Clark County, Indiana. This Rule shall not apply to misdemeanor cases filed in the Jeffersonville City Court, the Charlestown City Court, the Clarksville Town Court, or the Sellersburg Town Court.

B. Major Felony Cases. Except as otherwise specifically provided for, all cases which include Murder, Class A Felony, Class B Felony, or Class C Felony offenses as the most serious charged shall be assigned as follows:

[a] Cases alleging the most serious offense was committed during the months of January, March, May, July, September, or November shall be assigned to the Judge of Superior Court No. 1;

[b] All other cases shall be assigned to the Judge of the Circuit Court.

C. Misdemeanor and Class D Felony Cases. Except as otherwise specifically provided, all cases having a misdemeanor or Class D Felony as the most serious charge shall be assigned to the Judge of Superior Court No. 3.

D. Traffic-Related Cases. All cases which include a felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Superior Court No. 3.

E. Controlled Substances Cases. All Class A, Class B, and Class C felony cases which include a felony charge related to Controlled Substances under Indiana Code 35-48 or Legend Drugs under Indiana Code 16-42 shall be assigned to the Judge of Superior Court No. 2.

All new Class D or multiple Class D Felony cases in which the defendant therein previously appeared in Superior Court No. 2 shall be assigned to the Judge of Superior Court No. 2. All new Class D or multiple Class D Felony cases which include driving offenses shall be assigned to the Judge of Superior Court No. 3. All other new Class D or multiple Class D Felony cases shall be assigned to the Judge of the Circuit Court.

F. Juvenile Criminal Cases. All cases which include a misdemeanor or felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide), against a defendant alleged to be under the age of eighteen (18) years at the time of the commission of the offense, shall be assigned to the Judge of Superior Court No. 3. All other cases which include a felony or misdemeanor charge against a defendant alleged to be under the age of eighteen (18) at the time of the commission of the offense, shall be assigned to the Judge of Superior Court No. 1, except for Controlled Substance cases which will be assigned pursuant to Section E.

All cases which include a charge of Contributing to the Delinquency under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-8.1-3 shall be assigned to the Judge of Superior Court No. 1.

G. Attempt, Conspiracy, and Aiding Cases. For purposes of this Rule , when a case includes a charge of Attempt under Indiana Code 35-41-5-1, Conspiracy under Indiana Code 35-41-5-1, or Aiding under Indiana Code 35-41-2-4, proper assignment of the case shall be determined by reference to the substantive offense underlying each charge.

H. Re-filing of Dismissed Cases. In the event a criminal case is dismissed, and thereafter, the same or similar case is filed against the same defendant(s) base upon the same transaction, the case shall be assigned to the judge who entered the Order of Dismissal on the earlier case.

I. Juvenile Paternity Cases. All Juvenile Paternity Cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

J. Other Juvenile Cases. All Juvenile CHINS cases, Juvenile Status cases, Juvenile Termination of Parental Rights cases, and Juvenile Miscellaneous cases shall be assigned to the Judge of Superior Court No. 1.

K. Mortgage Foreclosure and Civil Collection Cases. Mortgage Foreclosure cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

Civil Collection cases seeking to recover ten thousand dollars (\$10,000.00) or less shall be filed in Superior Court No. 3. Civil Collection cases seeking to recover amounts in excess of ten thousand dollars (\$10,000.00) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

L. Civil Tort and Civil Plenary Cases. Two-thirds (2/3) of all Civil Tort and Civil Plenary cases shall be assigned to the Judge of the Circuit Court and the remainder to the Judge of Superior Court No. 2.

M. Small Claims Cases. All Small Claims cases shall be assigned to the Judge of Superior Court No. 3.

N. Mental Health Cases. All Mental Health cases shall be assigned to the Judge of the Circuit Court.

O. Domestic Relations Cases. Domestic Relations cases shall be assigned on an equal basis to the Judge of the Circuit Court, the Judge of Superior Court No.1, and the Judge of Superior Court No. 2.

P. Reciprocal Support Cases. All Reciprocal Support cases shall be assigned to the Judge of the Circuit Court.

Q. Protective Order Cases. All Protective Order cases shall be assigned to the Judge of Superior Court No. 2 unless the Protective Order request is associated with a Dissolution of Marriage case filed in another court. In such instance, the Protective Order request shall be assigned to that court.

R. Guardianship and Estate Cases. All Guardianship cases and all Estate cases (supervised and unsupervised) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

S. Trust Cases. All Trust cases shall be assigned to the Judge of the Circuit Court.

T. Reassignment of Cases. If a case reassignment becomes necessary for any reason, including the granting of an application for change of judge, the Judge of the Circuit Court shall be reassigned all such cases from the Judge of Superior Court No. 1 and the Judge of Superior Court No. 3, and the Judge of Superior Court No. 1 shall be reassigned all cases from the Judge of the Circuit Court and the Judge of Superior Court No. 2.

U. Objections to Case Assignments. Any objection by a Judge based upon an

improper assignment of a case under this Rule shall be made no later than ten (10) days from the date of the entry of the assignment on the Chronological Case Summary. Failure to raise a timely objection shall constitute a waiver.

V. **Error in Case Assignments.** Any error in the assignment of a criminal case shall not constitute grounds for an appeal or post-conviction relief unless actual bias or prejudice of the judge hearing the case is demonstrated

RULE 9
[LR10-AR00-9]

PRE-TRIAL CONFERENCES
ASSIGNMENT OF CASES FOR TRIAL

A. Court Calendar. A calendar of cases assigned for bench trial or jury trial shall be kept by the Court and the Court Reporter shall enter on the calendar at the direction of the Court, the style, case number, and the time and date the trial is assigned to begin.

B. Required Pre-Trial Conference. No case shall be assigned for jury trial without the Court having conducted a pre-trial conference and any party or attorney of record desirous of acquiring a jury trial shall first file a motion requesting a pre-trial conference accompanied by a proposed order.

C. Other Pre-Trial Conferences. The Court, in its discretion, may require a pre-trial conference on certain cases to be heard at bench trial and the Court shall, sua sponte, set such cases for conference. Any party or attorney of record desirous of having a pre-trial conference for such cases may file a motion requesting same accompanied by a proposed order.

D. Attendance at Pre-trial Conference. At least one attorney for each party who is a member of the Indiana Bar and who will participate in the trial shall appear at the pre-trial conference. If a law firm is representing a party, a member of the firm may appear at the pre-trial conference in lieu of the attorney who will participate in the trial. An attorney who fails to attend a pre-trial conference shall be bound by the trial date set by the Court as well as such other matters contained in the Court's Pre-Trial Order.

E. Requests for Bench Trial. The assignment of a case for a bench trial may be accomplished by a motion duly filed and accompanied by a proposed order. The motion shall reflect an estimate of the time required.

F. Trial Assignments. The Court may assign a case for jury trial on a primary or secondary basis. Ten (10) days prior to the scheduled trial date, an attorney whose case has been assigned for trial on a primary basis may file a Certificate of Readiness indicating the intention or proceeding to trial as scheduled. The failure to file such Certificate may result in the forfeiture of the primary trial date if an attorney whose case has been assigned on a secondary basis files a Certificate of Readiness. In such a circumstance, the case assigned on a secondary basis shall be heard.

G. Certificate of Readiness. If filed, the Certificate of Readiness shall be served on all parties in a case and shall contain a certificate of service. The Certificate shall state:

- [1] the case is at issue;
- [2] discovery has been completed or will be completed by the scheduled date; and
- [3] opposing counsel was advised of the party's intention to file the Certificate five (5) days prior to its filing.

H. Criminal Trials. Criminal trial settings shall take precedence over civil trial settings.

I. Status of Proceedings. Each attorney appearing of record and each party to a proceeding shall at all times keep themselves informed of the status of the proceeding and shall be particularly bound by hearing dates orally set by the Court from the bench in their presence.

RULE 10
[LR10-AR00-10]

MOTIONS

A. Generally. Except for motions made during the course of a recorded proceeding, all motions shall be in writing.

B. Proposed Orders Required. Proposed orders shall accompany motions or applications in the following matters:

- [1] to enlarge or shorten time
- [2] for setting of conference, hearing or trial
- [3] for continuance
- [4] for default judgment
- [5] to compel discovery
- [6] to withdraw appearance
- [7] of dismissal
- [8] for change of venue
- [9] for restraining order, temporary injunction
- [10] for summary judgment
- [11] for such other orders, judgments or decrees as the Court may direct.

C. Hearing Required. Except for motions to correct error, motions for summary judgment, or other motions described in subsection F, subsection G, and subsection H of this Rule, all motions shall be set for hearing at the time of the filing of the motion and shall be accompanied by a separate document requesting a hearing and an order for the insertion of a hearing date.

D. Notice of Motion and Order. In lieu of the requirement of subsection C of this

Rule, an attorney may utilize a Notice of Motion and Order for routine matters such as a motion for continuance, motion to amend pleading, motion to shorten time, motion to add parties, motion to compel discovery, and the like. The Notice of Motion shall indicate that the Court will rule on the Motion and enter its Order beginning at 9:00 o'clock a.m. on the Monday which is not less than five (5) working days from the date of the Court's actual receipt of the Notice of Motion.

E. Motion to Correct Error. Any party may request a hearing on a Motion to Correct Error by filing a written request on a separate document at any time before the Court has ruled upon such motion. Whether or not a hearing should be held will be up to the discretion of the Court.

F. Hearing Not Required. At the time of filing, the following motions shall be summarily granted or denied unless the Court, in its discretion, determines a hearing should be scheduled on the motion and schedules a hearing:

- [1] for enlargement of time
- [2] to Reconsider the denial of a motion
- [3] for Change of Venue from the Judge/County
- [4] for Default Judgment
- [5] joint motion for continuance
- [6] Motion to Dismiss Settled
- [7] to set hearing/pre-trial conference/bench trial
- [8] for Temporary Restraining Order
- [9] to withdraw appearance except in estate, guardianship, or criminal cases.
- [10] such matters as permitted by statute or trial rule.

G. Motion Under Trial Rules 12, 24, 42, and 60. Motions seeking relief under Trial Rules 12, 24, 42, and 60 shall be accompanied by a brief and proof of service upon opposing counsel. An adverse party shall have fifteen (15) days after service of the movant's

brief to file an answer brief, and the movant shall have seven (7) days after service to file a reply brief.

Upon expiration of the time provided by the briefing schedule, the proponent of the motion shall file a written request to schedule the matter for a hearing.

H. Motion for Summary Judgment. Motions for summary judgment and any supporting affidavits, exhibits and briefs shall be accompanied by proof of service upon opposing counsel. An adverse party may file a response and any opposing affidavits, exhibits and briefs, with proof of service upon opposing counsel, within thirty (30) days after service of the motion

A hearing on a Motion for Summary Judgment shall be held not less than ten (10) days after the time for the filing of a response and the proponent of the motion shall file a written request to schedule the matter for hearing accompanied by an order for the insertion of a hearing date.

Motions for Partial Summary Judgment shall be accompanied by proposed findings of fact and conclusions of law.

The provision allowing for entry of a summary judgment without a hearing after passage of thirty (30) days (where there has been no request for a hearing) must be initiated by a specific written request of the moving party. The request may take the form of a Notice of Motion and Order as set forth in Rule 9D above.

RULE 11
[LR10-AR00-11]

CONTINUANCES

A. Generally. A motion for continuance of a hearing or trial shall be accompanied by an order which shall contain adequate space for the insertion of a new time and date for re-scheduling purposes.

B. Content of Motion. A motion for continuance shall set forth the scheduled date, the reason for the continuance, the specific length of time the moving party desires the case to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial.

C. Position of Opposing Counsel. If opposing counsel agrees to a continuance, it shall be the duty of the moving party to obtain a mutually acceptable future date if and when the motion is granted. If opposing counsel objects to a continuance, it shall be the duty of the moving party to schedule a telephone conference with the Court for the purpose of discussing the objection.

D. Timing of Motion. No continuance shall be granted at the request of a party unless a written motion for the continuance is filed not less than ten (10) days prior to the scheduled hearing or trial, unless it is made to appear by affidavit that the facts which are the basis of the motion did not then exist or were not then known by the moving party.

E. Sanctions. All delays and continuances of a case shall be at the cost of the party causing the delay or continuance, unless otherwise provided by law, and the adverse party may have such costs taxed and judgment rendered upon a motion duly made.

RULE 12
[LR10-AR00-12]

FINDINGS OF FACT

In all cases where findings of fact by the court are requested or required, counsel of record shall submit to the Court proposed findings setting forth all facts claimed to have been established and the conclusions of law thereon. Such form of findings shall also be submitted to the Court on disk with a hard copy within such time as directed and shall be in Microsoft Word, in Times New Roman font, and double-spaced with one (1) inch margins.

RULE 13
[LR10-AR00-13]

DISCOVERY

A. Use of Form Discovery. No “form” discovery shall be served upon a party unless all discovery requests on such forms are consecutively numbered and applicable to the case. The intent and purpose of this Rule is to prohibit the use of form discovery unless particularly applicable to the case or where the nature of the case or the number of parties make the use of such forms necessary and appropriate.

B. Admissions Format. Answers or objections to requests for admissions filed and served pursuant to Trial Rule 36 shall set forth in full the request for admissions being answered or objected to immediately preceding the answer or objection.

C. Motions for Discovery. The Court shall refuse to rule on any and all motions for discovery concerned with the production of documents or things, permission to enter upon land or other property for inspection and other purposes, for physical or mental examination, or to compel discovery provided in Trial Rules 26 through 37, unless moving counsel shall first advise the Court in writing that a reasonable effort has been made with opposing counsel to reach an agreement. Such written advisement to the Court shall include a history with the date, time and place and the names of all parties and attorneys with whom the effort has been attempted.

D. Limitation on Interrogatories. The number of interrogatories which may be served pursuant to Trial Rule 33 shall be limited so as to require the answering party to make no more than forty (40) answers, each sub-part of an interrogatory counting as one (1) answer. Waiver of this limitation will be granted by the Court in cases in which this limitation would work a manifest injustice or would be impractical because of the complexity of the issues in the case. Each motion requesting a waiver of this limitation shall contain as an exhibit the

interrogatories which the party proposes to serve. This limitation does not mean a limit of forty (40) interrogatories and answers for the entire case but rather to each set of interrogatories propounded.

RULE 14
[LR10-AR00-14]

PUBLICATION OF DEPOSITIONS

The seal on depositions shall be broken and the deposition deemed published upon filing with the Court. When depositions are utilized in support of, or in opposition to, a motion for summary judgment or other matters, the pleadings and/or memoranda filed in support or opposition to the motion shall make specific reference by page and line or question number to those places in the deposition which purport to demonstrate the presence or absence of a material fact.

RULE 15
[LR10-TR45-15]

SUBPOENAS

Pursuant to Trial Rule 45, the Clerk of the Court shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it or the party's attorney, who shall fill it in before service. An attorney admitted to practice law in this state, as an officer of the Court, may also issue and sign such a subpoena on behalf of

[a] a court in which the attorney has appeared for a party; or

[b] a court in which a deposition or production is compelled by the subpoena, if the deposition or production pertains to an action pending in a court where the attorney has appeared for a party in that case.

RULE 16
[LR10-AR00-16]

PRAECIPES/TRANSCRIPTS

A. Content. All praecipes and requests for transcripts shall be in writing and filed with the Clerk of the Court. The praecipes and requests for transcripts relating to jury trials shall not include voir dire, openings statements, and closing statements unless specifically requested.

B. Costs. The party requesting a transcript shall obtain an estimate of the cost of the transcript from the Court Reporter and shall pay a deposit equal to one-half of the estimated cost before the transcription process is undertaken. The remaining estimated cost shall be paid upon notification by the Court Reporter to the requesting party that one-half of the transcript has been completed. The actual total cost of the transcript shall be paid in full before the transcript is released to the requesting party.

RULE 17
[LR10-AR00-17]

CONTEMPT/ISSUANCE OF BODY ATTACHMENT

A. Contempt Citation. Whenever a judgment debtor fails to appear as ordered for a scheduled hearing, the judgment creditor may file a contempt citation against the debtor. The citation must be filed within thirty (30) days of the failure to appear.

B. Personal Service Required. If a judgment creditor is desirous of using a body attachment whenever a judgment debtor fails to appear as directed in a contempt citation, the contempt citation must be personally served on the debtor with proof of service presented to the Court along with the request for issuance of the body attachment.

C. Request for Body Attachment. A Request for Body Attachment must be filed within thirty (30) days from the date of the scheduled contempt hearing. The Request must reflect that the contempt citation was personally served upon the judgment debtor. The Request must also contain telephone numbers for use by the Court in notifying the judgment creditor of the debtor's appearance in custody.

D. Writs of Attachment. The judgment creditor shall submit three (3) Writs of Attachment along with the Request for Body Attachment. The Writ shall contain identifying information regarding the judgment debtor including an address and social security number or date of birth. The Writ shall also contain in capital letters the following: **SERVE DURING BUSINESS HOURS. DO NOT PLACE IN JAIL. BRING DIRECTLY TO COURT UPON SERVICE.**

A Writ shall expire one hundred and eighty (180) days after issuance and the judgment creditor, in writing, shall request the Office of the Sheriff of Clark County to withdraw the Writ from its files. In order to emphasize the expiration, the following language shall also be placed on the writ in bold capital letters, to wit: **THIS WRIT EXPIRES 180 DAYS FROM DATE OF ISSUANCE.**

E. Procedure Following Attachment. The Court shall attempt to contact the judgment creditor by use of the telephone numbers given in the Request for Body Attachment for the purpose of advising the creditor that the debtor is in custody and before the court. If the Court is unable to contact the judgment creditor after reasonable efforts, or if the creditor is unable to appear in court within a reasonable time, the Court shall set a new hearing date from the bench and advise the debtor of the need to appear on that date. The Court shall then release the debtor and notify the creditor of the new date.

RULE 18
[LR10-AR00-18]

EX PARTE ORDERS

Ex Parte proceedings are highly disfavored. In civil cases the Court may enter orders, ex parte, for motions tendered under Local Administrative Rule 9D.

Upon motion of any party adversely affected by any ex parte proceeding not in conformity with this Rule, and after notice and opportunity to be heard, the Court may direct that the party or attorney who sought the ex parte order to pay to the adversely affected party reasonable attorney fees associated with the opposition to the ex parte order.

RULE 19
[LR10-AR00-19]

SANCTIONS

A. Court Action. When a party or counsel for a party fails to comply with any of these Local Administrative Rules, the Court, after advising counsel or the party of the noncompliance, may direct the Clerk of the Court to refuse to accept the pleadings or papers to be filed, or if inadvertently accepted for filing, direct that the pleadings or papers be stricken from the record.

B. Costs. In addition to the foregoing, the Court may order counsel or the party failing to comply with these Rules to pay reasonable expenses, including attorney fees, caused by the failure.

RULE 20
[LR10-AR00-20]

APPLICABILITY TO FAMILY LAW CASES

These Local Administrative Rules shall generally apply to Family Law cases unless the Family Law Rules provide otherwise.

RULE 21
[LR10-AR00-21]

APPLICABILITY TO PRO SE CASES

These Local Administrative Rules shall apply to all persons who appear in court without the benefit of counsel including cases where the other party appears with or without counsel.

RULE 22
[LR10-AR00-22]

**APPLICABILITY OF CERTAIN RULES
IN SMALL CLAIM CASES**

The following Local Administrative Rules shall apply in Small Claim Cases:

Rule 2 Admission to Practice

Rule 3 Appearance of Counsel

Rule 7 Forms and Styles of Pleadings

Rule 10 Motions

Rule 11 Continuances

Rule 17 Body Attachments

RULE 23

[LR10-AROO-23]

COURT REPORTER SERVICES/FEES AND ALCOHOL AND DRUG PROGRAM FEES

A. Definitions. The following definitions shall apply under this Local Rule:

[1] *Court Reporter* - a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

[2] *Equipment* - physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

[3] *Work space* - that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

[4] *Page* - the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

[5] *Recording* - the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

[6] *Regular hours worked* - those hours which the court is regularly scheduled to work during any given work week.

Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

[7] *Gap hours worked* - those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

[8] *Overtime hours worked* - those hours worked in excess of forty (40) hours per work week.

[9] *Work week* - a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

[10] *Court* - the particular court for which the court reporter performs services. Court may also mean all the courts in Clark County.

[11] *County indigent transcript* - a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

[12] *State indigent transcript* - a transcript that is paid for from state funds and is for the use of a litigant who has been declared indigent by a court.

[13] *Private transcript* - a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

B. Salaries. Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work

hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation for compensatory time off regular work hours.

C. Per Page Fees. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be five dollars (\$5.00) per page. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be five dollars (\$5.00) per page.

The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be five dollars (\$5.00) per page.

The Index and Table of Contents pages may be charged at the per page rate being charged for the rest of the transcript.

If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ten (\$10.00) per page when the transcript must be prepared within 24 hours or less, and seven dollars and fifty cents (\$7.50) per page when the transcript must be prepared within three working days. Index and Table of Contents will be charged at the same rate as the other pages.

D. Minimum Fee. A minimum fee of fifty dollars (\$50.00) will be charged for transcripts less than seven (7) pages in length.

E. Binding Fees. An additional labor charge approximating an hourly rate based upon the court reporter's annual court compensation shall be added to the cost of the transcript for the time spent binding the transcript and exhibit binders.

F. Office Supplies. A reasonable charge may be made for the costs of office supplies required and utilized for the preparation of the transcript, the binding of the transcript, and the electronic transmission of the transcript. This charge shall be based upon the Schedule of Transcript Supplies annually established and published by the judges of the courts of record of the county.

F. Annual Report Requirement. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

G. Private Practice. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, all such private practice work shall be conducted outside regular working hours.

If a court reporter engages in such private practice and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- [1] the reasonable market rate for the use of equipment, work space and supplies;
- [2] the method by which records are to be kept for the use of equipment, work space and supplies; and
- [3] the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

H. Disk as Official Record. Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript" "Court Reporter's Copy" and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript. The court's copy of the electronic transcript shall become the official record of the court proceeding, in lieu of a paper

copy of the transcript, and shall be retained in the court where said proceeding was held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

I. Alcohol and Drug Program Fees. The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services.

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AMENDED
LOCAL FAMILY RULES
OF PRACTICE
FOR THE COURTS OF THE 4TH JUDICIAL CIRCUIT
CLARK COUNTY, INDIANA

RULE 1

[LR10-FR00-1]

APPLICABILITY OF RULES

A. Scope. These rules shall apply in the Clark County Circuit and Superior Courts in all family law matters.

B. Local Civil Rules. The Local Civil Rules of Practice enacted by the Courts shall be applicable in all family law matters when not in conflict with these Local Family Rules. (Local Civil Rules 12, 13, and 14 dealing with family matters are hereby repealed, the subject matters therein having been incorporated in these Local Family Rules).

C. Effective Date. These local family rules have been effective since March 1, 2000. The amendments consist primarily of the insertion of the words “parenting time” in place of the word “visitation.”

D. Citation. These rules shall be cited as Local Family Rule ____.

RULE 2

[LR10-FR00-2]

PROVISIONAL ORDERS

A. Content of Provisional Pleading. A motion requesting provisional relief under I.C. 31-15-4-1 must be accompanied by an affidavit setting forth the factual basis and the relief requested. If the relief requested is in the nature of child support or other monetary assistance, the motion must contain information regarding each party's employment status and weekly gross income. When child support is requested, the motion must be accompanied by a Child Support Guideline Worksheet and a Parenting Time Credit Worksheet.

B. Order Scheduling Hearing/Preliminary Hearing. A motion requesting provisional relief must be accompanied by a proposed order for the setting of a hearing. If the provisional request includes relief in the nature of child custody or child support, the Court will set the matter for a preliminary hearing on those issues. The proposed Order scheduling hearings must be in a form consistent with that set forth in the Appendix to these Rules.

C. Procedure in Lieu of Hearing. A movant may waive the hearing requirements of I.C. 31-15-4-4 & 5 through the use of a Notice of Ruling accompanying the motion for provisional relief. The Notice of Ruling shall contain the following:

- [1] A waiver of the hearing requirements;
- [2] The date for ruling which shall not be less than ten (10) working days from the filing of the motion, the movant's counsel to select the date;
- [3] Notice that the Court will consider a written response to the motion filed before the ruling date.

If a response to the motion for provisional relief is filed on or before the ruling date, the Court shall extend the ruling date by five (5) working days to allow the movant to file a reply to the response.

If service of the Summons and Notice of Ruling occurs on a date beyond the selected ruling date, the ruling date shall be automatically extended for ten (10) working days from the

date of service and the time limitations for the filing of a response and a reply to the response shall be followed.

D. Request For Hearing. When a waiver of the hearing requirements has been made by the movant for provisional relief, the opposing party may, nonetheless, request hearing dates in accordance with the provisions of I.C. 31-15-4-4 & 5. A request for hearing dates must be filed within ten (10) days of the service of Summons and Notice of Ruling and must be accompanied by a proposed Order scheduling hearings in a form consistent with that set forth in the Appendix to these Rules. A request for hearing shall cancel the Notice of Ruling procedure described in Section C.

E. Effect of Change of Venue. The filing of a motion for a change of venue from the judge by either party shall not divest the court of jurisdiction from issuing a preliminary order on temporary custody, child support or parenting time. A written request for such a determination must be filed within five (5) days of service of the motion for change of venue. The filing of such a request shall be accompanied by a proposed Order for the setting of a preliminary hearing on those issues.

RULE 3

[LR00-FR00-3]

FINANCIAL DISCLOSURE STATEMENT

A. Requirement. In all contested dissolution, separation, and paternity actions each party shall prepare and exchange within forty-five (45) days of the filing of the action, a Verified Financial Disclosure Statement in such form consistent with that set forth in the Appendix to these Local Family Rules of Practice. For good cause, the time limit may be extended or shortened.

At the time of the filing of the action, the moving party shall serve a Notice upon the opposing party of the requirement to exchange a Verified Financial Disclosure Statement. Such Notice shall be in such form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

B. Exceptions. The Verified Financial Disclosure Statement need not be exchanged if the parties agree in writing within thirty (30) days of the initial filing to waive exchange, or the proceeding is uncontested, or the proceeding is one in which service is by publication and there is no response.

C. Mandatory Discovery. The exchange of the Verified Financial Disclosure Statement constitutes mandatory discovery, therefore, the Indiana Trial Rule of Procedures, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26E(2) and (3) the Statement shall be supplemented if additional material becomes available.

D. Statement Considered Confidential. When a Verified Financial Disclosure Statement is filed with the court, it shall be sealed and designated “**Confidential.**”

RULE 4
[LR10-FR00-3]
CHILD SUPPORT
USE OF SUPPORT GUIDELINES

A. Contested Hearings. In all hearings involving child support, each party shall submit to the court a Child Support Guideline Worksheet and Parenting Time Credit Worksheet in such form consistent with that set forth in the Indiana Child Support Rules and Guidelines.

B. Settlement Agreements. In all settlement agreements in which child support is established, a Child Support Guideline Worksheet and a Parenting Time Credit Worksheet shall be attached as an exhibit with the affirmation executed by the parties.

C. Deviation From Guidelines. If an agreement of the parties or a court order regarding child support deviates from the Guidelines, an adequate explanation for such a deviation must be set forth in the agreement or the order.

D. Effective Date. All orders establishing or modifying child support shall be effective on the Saturday immediately following the date on which the request for child support was filed unless otherwise provided for by statute.

RULE 5

[LR10-FR00-5]

PARENTING TIME

A. Use of Guidelines. Unless the court enters specific orders to the contrary or unless the parties otherwise agree to specific parenting terms, parenting time granted to the non-custodial parent shall be in accordance with the Indiana Parenting Time Guidelines.

B. Availability/Receipt of Guidelines. At the time of the filing of any original action or modification request which includes the issues of child custody and/or parenting time, the party bringing the action shall acquire a copy of the Indiana Parenting Time Guidelines from the Clerk of the Court and send notice to the other party regarding the use of the Guidelines and the opportunity to obtain a copy of the Guidelines at the Clerk's office. The Clerk of the Court may charge a nominal fee for each copy of the Guidelines distributed. A notice in a form consistent with that set for in Appendix K will be sufficient.

C. Acknowledgment. If the parties acknowledge in writing that they have received a copy of the Indiana Parenting Time Guidelines and adopt the Guidelines as written or otherwise explain any deviation from the Guidelines in a settlement or final decree, it will not be necessary that a copy of the Guidelines be attached to the agreement or decree. A document reflecting the parties' signatures acknowledging receipt of a copy of the Guidelines shall be attached to the agreement or decree with a reference in the agreement.

D. Different Parenting Plan. If the parties adopt a parenting plan which is different from the guidelines, the plan must be set forth in the settlement agreement or dissolution decree.

RULE 6

[LR10-FR00-6]

TRANSPARENTING SEMINAR REQUIREMENT

A. Mandatory Attendance. In any dissolution or separation proceeding involving children under the age of eighteen (18) years of age, both parties to the proceedings shall attend and complete the seminar “Transparenting.” In any post-dissolution proceeding where custody is in issue, both parties shall attend and complete the seminar unless a party has attended the seminar within the prior two (2) years.

B. Failure to Attend Seminar. A failure to attend and complete the seminar may constitute cause for denial of the granting of the dissolution or the relief requested and a continuance of the matter until attendance has been accomplished. A party, with leave of court, may attend a similar seminar or program.

C. Notice Requirement. At the time of the filing of a dissolution or separation proceeding or a post-dissolution proceeding where custody is in issue, the moving party shall serve a Notice upon the opposing party of the requirement of attendance in the Transparenting Seminar. Such Notice shall be in a form consistent with that set forth in the Appendix to these Local Family Rules of Procedure.

RULE 7

[LR10-FR00-7]

TRIAL RULE 65(E)
JOINT PRELIMINARY INJUNCTION
TEMPORARY RESTRAINING ORDER

RELIEF UNDER TRIAL RULE 65(E)(1)

A. Joint Preliminary Injunction. In accordance with the provisions of Trial Rule 65(E)(1), the court will issue a joint preliminary injunction applicable to both parties upon the filing of a verified petition by either party alleging that injury would result to the moving party if no order were to issue and requesting that both parties be enjoined from:

- (a) Transferring, encumbering, concealing or otherwise disposing of any joint property of the parties or assets of the marriage without the written of the parties or permission of the court; and/or,
- (b) Removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the court of jurisdiction over such child without the prior written consent of the parties or permission of the court.

B. Form of Injunction. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Procedure.

C. Immediate Entry of Injunction. A request for a joint preliminary injunction will be entered in the record by the Clerk of the Court immediately upon filing and without bringing the matter to the attention of the judge or waiting for the judge to sign the original. Attorneys may use the court's signature stamp for the convenience of the Clerk and counsel.

RELIEF UNDER TRIAL RULE 65(E)(2)

D. Temporary Restraining Order. In accordance with the provisions of Trial Rule 65(E)(2), the Court will issue a temporary restraining order against the non-moving party upon the filing of a verified petition by either party alleging that injury would result to the moving party if no order were to issue and seeking to enjoin the non-moving party from:

- (a) Abusing, harassing, disturbing the peace, or committing a battery on the moving party or Any child or step-child of the parties; or,
- (b) Excluding the non-moving party from the family dwelling or any other place.

E. Specific Allegations Required. The moving party must set forth specific facts in the affidavit supporting the request for relief and the court shall determine from such facts whether such restraining order shall issue ex parte.

F. Form of Restraining Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

G. Entry Only After Court Approval. The Clerk of the Court shall enter the restraining order in the record only after the judge signs the original order. Attorneys may not use the court's signature stamp until the original is signed by the judge.

STATUS OF TRIAL RULE 65(E) ORDERS

H. No Depository Record Maintained. A joint preliminary injunction and/or a temporary restraining order issued under Trial Rule 65(E) does not qualify for filing in a depository maintained by a law enforcement agency and a violation of the injunction does not constitute a basis of arrest for the offense of Invasion of Privacy. Such status shall be reflected on the order issued.

RULE 8
[LR10-FR00-8]

TEMPORARY RESTRAINING ORDERS
ISSUED UNDER I.C. 31-15-4-7

RELIEF BASED UPON I.C. 31-15-4-3(1) & (4)

A. Temporary Restraining Order-Property. The court will issue a temporary restraining order against the non-moving party upon the filing of motion accompanied by an affidavit by either party alleging that injury would result to the moving party if no order were to issue and seeking to restrain the non-moving party from:

- (a) transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life; and/or,
- (b) granting temporary possession of property to either party.

B. Form of Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

C. Immediate Entry of Order. A request for a temporary restraining order regarding property will be entered in the record by the Clerk of the Court immediately upon filing and without bringing the matter to the attention of the judge or waiting for the judge to sign the original. Attorney's may use the court's signature stamp for the convenience of the Clerk and counsel.

RELIEF BASED UPON I.C. 31-15-4-3(2) & (3)

D. Temporary Restraining Order-Personal. The court will issue a temporary restraining order against the non-moving party upon the filing of a motion accompanied by an affidavit by either party alleging that injury would result to the moving party if no order were to issue and seeking the following relief:

- (a) enjoining any party from abusing, harassing, or disturbing the peace of the other party; and/or,

(b) excluding either party from the family dwelling, from the dwelling of the other, or from any other place.

E. Specific Allegations Required. The moving party must set forth specific facts in the affidavit supporting the request for relief and the court shall determine from such facts whether such restraining order shall issue ex parte.

F. Form of Order. The moving party shall prepare such order in form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

G. Entry Only After Court Approval. The Clerk of the Court shall enter the restraining order in the record only after the judge signs the original order. Attorneys may not use the Court's signature stamp until the original is signed by the judge.

STATUS OF ORDERS ISSUED UNDER I.C. 31-15-4-7

G. Temporary Restraining Order-Property. An order protecting property based upon I.C. 31-15-4-3(1) and (4) does not qualify for filing in a depository maintained by a law enforcement agency and a violation of the order does not constitute a basis of arrest for the offense of invasion of privacy. Such status shall be reflected on the order issued.

H. Temporary Restraining Order-Personal. An order protecting a person and/or excluding the other party from a dwelling based upon I.C. 31-15-4-3(2) and (3) does qualify for filing in a depository and a violation of such order may constitute a basis of arrest for the offense of invasion of property. Such status shall be reflected on the order issued.

I. Separate Orders Required. A Temporary Restraining Order- Property and a Temporary Restraining Order-Person requested under I.C. 31-15-4-3 may not be combined under one order and must issue as separate orders.

RULE 9
[LR10-FR00-9]

MATTER OF PROTECTIVE ORDERS

A. Requirement Upon Filing of Dissolution Petition and Issuance of Restraining Order-Personal. A Protective Order previously issued under I.C. 34-26-5 expires when a Petition For Dissolution of Marriage has been filed and a Temporary Restraining Order has been issued based upon the provisions of I.C. 31-15-4-3(2) or (3). In such event, the Petitioner shall file a Motion to Dismiss Protective Order in the Court where the original Protective Order was issued accompanied by an appropriate Order of Dismissal.

B. Requirement Upon Filing of Dissolution Petition Only. When a Petition For Dissolution of Marriage has been filed in one court and the Petitioner has previously acquired a Protective Order issued under I.C. 34-26-5 in a different court, the Petitioner shall file a Motion to Dismiss Protective Order in the Court where the original Protective Order was issued accompanied by an appropriate Order of Dismissal. The Petitioner may simultaneously request the issuance of a protective order under I.C. 31-15-5 or a restraining order under I.C. 31-15-4-3 in the dissolution court, if desired.

C. Specific Request For Protective Order. If a dissolution or separation proceeding is pending, any request for a protective order must be filed in the separate action in the court where the dissolution or separation was filed.

D. Form of Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

RULE 10
[LR00-FR00-10]
OTHER EX PARTE ORDERS

A. Content of Requests For Emergency Orders. In all motions for ex parte emergency orders in family law matters other than those provided for under Local Family Rules 7 and 8, the motion must be accompanied by an affidavit setting forth specific facts supporting the relief requested and specifically alleging the irreparable injury, loss or damage that would result if the relief requested was not granted.

B. Certificate of Notice Requirement. A Certificate of Notice must accompany such request for an emergency order in which the movant or movant's attorney certifies to the court as follows:

- (a) opposing counsel has been notified by telephone prior to the filing of the motion and when notification occurred; or
- (b) attempts were made to contact opposing counsel and the nature of those attempts; or
- (c) notice to opposing counsel should not be required and the reasons therefore.

A Certificate of Notice will not be required if there is no counsel of record, if counsel of record has withdrawn or if there has been no action pending in the case for at least sixty (60) days and there has been no contact with opposing counsel regarding any matters related to the case.

C. Issuance of Ex Parte Order. The court may, without the necessity of notice or hearing, issue the requested emergency order ex parte upon the court's finding that an emergency exists and that immediate and irreparable injury, loss or damage will occur before an adversarial hearing can be scheduled.

D. Order Scheduling Hearing. If the Court issues an ex parte order granting the emergency relief requested, the matter shall be set for an adversarial hearing as soon as possible. The party granted the emergency shall tender a proposed order for the setting of a hearing date. This order shall include the following language:

“As the recipient of this ex parte order for (Describe order) , upon two (2) working days notice to the party who obtained such order (or in such shorter notice as the court may prescribe),

you shall be allowed to appear before the court and be heard regarding the issuance of this order”

RULE 11

[LR10-FR00-11]

EXPEDITED HEARINGS

A. Nature of Proceeding. An expedited hearing is a proceeding in open court where the evidence is presented in summary narrative fashion by counsel accompanied by the submission of documentary evidence when applicable. The court may question the parties or counsel. Formal rules of evidence and procedure are not applicable. At the conclusion of the hearing, the court shall determine if the facts presented are sufficient to enable the court to make its findings or if a full evidentiary hearing should be required.

B. Hearing By Agreement. At the time of a scheduled evidentiary hearing, the parties may orally agree, on record, to proceed in an expedited basis. Prior to the scheduling of a matter for hearing, the parties may agree in writing to proceed in an expedited basis and a hearing shall be scheduled accordingly. The court shall enforce the agreement unless upon a showing of good cause it would appear that justice would not be served by proceeding in an expedited basis.

C. Discretion of the Court. If at any time the court determines that the matters at issue between the parties would be better resolved at a full evidentiary hearing, the court shall schedule such a hearing. The court may, on its own motion, conduct an expedited hearing to consider and determine any emergency matter or temporary situation until a full evidentiary hearing can be held.

RULE 12

FINAL HEARING ON DISSOLUTION OF MARRIAGE

A. Scheduling. A final hearing on a Petition for Dissolution of Marriage shall be set by the court in accordance with Local Rule 8 of the Local Rules of Civil Procedure if the cause is contested. If the cause is not contested, a final hearing shall be held at such time as is mutually convenient to the parties and the court or at such time as generally set by the court for hearings on uncontested matters.

B. Expedited Hearing. An expedited final hearing may be held in accordance with Rule 10 of these Local Family Rules.

C. Notice In Uncontested Action. In an uncontested action, written notice of an intention to proceed to final hearing on a date and time certain shall be given to a party not represented by counsel. The written notice shall be sent to the last known address of the party not represented and proof of service shall not be required, however, a copy of said notice shall be submitted to the court at the time of the final hearing.

D. Summary Disposition/Attachments Required. A summary disposition on a Petition for Dissolution of Marriage shall be entered by the court upon submission of the appropriate documentation to the court in accordance with statutory requirements.

In all summary dispositions in which child support is established, a copy of the child support guideline worksheet shall be attached as an exhibit with the affirmation thereon executed by the parties. In cases where there is a deviation from the child support guidelines, an adequate explanation for the deviation must be set forth.

In all summary dispositions in which guideline parenting time is referenced, a copy of the Parenting Time Guidelines shall be attached as an exhibit. An acknowledgment that both parties have received a copy of the current guidelines will satisfy this requirement.

E. Pro Se Dissolutions. All pro se dissolutions must be heard by the court where the cause of actions has been filed.

RULE 13

[LR10-FR00-13]

SUBMISSION OF AGREED MATTERS

A. Written Agreement Required. No agreed matter shall be submitted to the court unless it is in writing and signed by the parties and/or counsel and accompanied with other appropriate documents such as a Decree. However, if the parties reach an agreement just prior to hearing or trial, then the court may accept evidence of that settlement by way of a handwritten entry or on the record followed by the submission of a written agreement within a reasonable time thereafter.

B. Personal Property Disposition. All settlement agreements disposing of the personal property of the parties shall reflect that such personal property has been exchanged and that there are no disputes regarding such disposition.

C. Petition For Modification Required. An agreed modification entry shall not be approved by the court without a petition for modification having been first filed setting forth the reasons for such modification.

D. Pro Se Agreements. All pro se domestic agreements shall require a hearing before the Court.

RULE 14

[LR10-FR00-14]

EXHIBIT REQUIREMENTS FOR CONTESTED HEARINGS

In all contested hearings, each party shall submit the following exhibits to the Court, if applicable:

- [a] a Child Support Guideline Worksheet.
- [b] a Parenting Time Credit Worksheet
- [c] a calculation of the child support arrearage.
- [d] a listing of the marital assets with an indication of fair market values.
- [e] a listing of the marital debts with an indication of the balance due and the minimum monthly payment requirement.
- [f] the parties' proposed distribution of marital assets and debts.

RULE 15
LR10-FR00-15]
SERVICE ON REDOCKETED MATTERS

Trial Rule 4 Service Required. Service of process of post-dissolution actions such as petitions for modifications and applications for rule to show cause must be on a party pursuant to Trial Rule 4 of the Indiana Rules of Trial Procedure. Service of process of such actions upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

RULE 16

[LR10-FR00-16]

MANDATORY MEDIATION IN PRO SE CASES WITH MINOR CHILDREN

A. Applicability. In all pro se domestic relations cases with children or paternity cases, the parties shall be referred to mediation under the courts' Alternative Dispute Resolution Fund Plan.

B. Disqualification. A litigant shall not be qualified for mediation under the Plan if the litigant is currently charged with or has been convicted of a crime under Indiana Code 35-42 (offenses against the person) or is charged with or has been convicted of a crime in another jurisdiction that is substantially similar to the elements of a crime described in Indiana Code 35-42.

C. Procedure. Upon the filing a pro se case, the Clerk of the Court shall provide the parties with a form entitled Application for Mediation Services and advise the parties to complete the form and take it to the judge of the assigned court. Based upon the parties combined income, the judge will advise the parties of the estimated cost of the mediation, determine the appropriate assignment of the case and, utilizing an Order of Referral to Mediation Services, refer the parties to the Plan Administrator or to a specific mediator.

D. Mediator's Report. Upon the passage of sixty (60) days from the filing of the dissolution or paternity action, the mediator shall submit a Mediator's Report on the form

provided along with the mediation agreement or with an indication that the mediation was not successful. The mediator should also submit a claim for services.

**APPENDIX
TO
LOCAL FAMILY RULES**

APPENDIX A

Suggested format for proposed Order under Local Family Rule 2

[CAPTION]

ORDER SETTING PROVISIONAL HEARINGS

There having been filed in this cause a motion requesting that a provisional order be issued

by the Court, this cause is hereby set for hearing as follows:

(1) On the issue of temporary child custody and/or child support, a preliminary hearing is hereby scheduled to begin at _____ AM/PM on the _____ day of _____, 20____.

(2) A regular provisional hearing is hereby scheduled to begin at _____ AM/PM on the _____ day of _____, 20____.

SO ORDERED THIS _____ DAY OF _____, 20____.

Judge, _____ Court

Ordered tendered by:

APPENDIX B

Suggested format for Notice requirement under Local Family Rule 3A

NOTICE

**YOU ARE HEREBY NOTIFIED THAT YOU MUST SUBMIT YOUR
VERIFIED FINANCIAL DISCLOSURE STATEMENT WITH THE
OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF
THIS CASE.**

APPENDIX C

Suggested format for COPE Notice under Local Family Rule 6C.

[CAPTION]

NOTICE OF REQUIREMENT TO ATTEND SEMINAR

TO:

It is a standing Order of the Courts of Clark County, Indiana, that you are required to attend a seminar entitled "Children Cope With Divorce" within forty-five (45) days of the date of the filing of this action.

You failure to attend the seminar could result in the Court finding and holding you in contempt of the Court's Order.

The Seminar which you are ordered to attend is being conducted by the Clark Memorial Hospital. You should contact the Hospital at 1220 Missouri Avenue, Jeffersonville, Indiana, Telephone (812) 283-2198 or 283-2811 for additional information and enrollment in the Seminar.

Dated at Jeffersonville, Indiana, this _____ day of _____, 20__.

Clerk, Clark _____ Court

Prepared by:

APPENDIX D

Suggested Order for Trial Rule 65(E)(1) Joint Preliminary Injunction.

[CAPTION]

JOINT PRELIMINARY INJUNCTION **ISSUED UNDER TRIAL RULE 65(E)(1)**

(This Joint Injunction does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that an Order should be entered pursuant to the provisions of Trial Rules 65(E)(1), both parties are hereby enjoined from:

- (A) Transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the Court; and
- (B) Removing any child of the parties now residing in the State of Indiana from the State with intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

This Order shall remain in effect until the entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS ____ DAY OF _____, 20__.

Judge, _____ Court

Order tendered by:

APPENDIX E

Suggested Order for Trial Rule 65(E)(2) Temporary Restraining Order.

[CAPTION]

TEMPORARY RESTRAINING ORDER **ISSUED UNDER TRIAL RULE 65(E)(2)**

(This Restraining Order does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and having determined that an Order should be entered pursuant to the provisions of Trial Rule 65(E)(2), the (Petitioner/Respondent) is hereby ordered to refrain from:

- ☐ Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
- ☐ Committing a battery on the (Petitioner/Respondent);
- ☐ Committing a battery on any child or step-child of the parties;
- ☐ From coming on or about the family dwelling located at _____
- ☐ From coming on or about the (Petitioner's/Respondent's) dwelling located at _____
- ☐ From coming on or about such other place, to-wit: _____

This Order shall remain in effect until the entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS _____ DAY OF _____, 20__.

Judge, _____ Court

Order tendered by:

APPENDIX F

Suggested form of Temporary Restraining Order (Property) under I.C. 31-15-4-3(1) & (4).

[CAPTION]

TEMPORARY RESTRAINING ORDER (PROPERTY) **ISSUED UNDER INDIANA CODE 31-15-4-3(1) & (4)**

(This Restraining Order does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Restraining Order should be issued pursuant to the provision of Indian Code 31-15-4-3(1) & (4), the (Petitioner/Respondent) is hereby ordered to refrain from:

(A) Transferring, encumbering, concealing, or in any way disposing of any property except _____
in the usual course of business or for the necessities of life;

(B) Interfering with the (Petitioner's/Respondent's) possession of the following property:

This Order shall remain in effect until entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS _____ DAY OF _____, 20__.

Judge, _____ Court

Ordered tendered by:

APPENDIX G

Suggested form of Temporary Restraining Order (Personal) under I.C. 31-15-4-3(2) & (3)

[CAPTION]

TEMPORARY RESTRAINING ORDER (PERSONAL)
ISSUED UNDER INDIANA CODE 31-15-4-3(2) & (3)**(This Restraining Order qualifies for filing with a law enforcement agency and a violation of this Order may constitute a basis for arrest for invasion of privacy.)**

Comes now the Court and finding that a Restraining Order should be issued pursuant to the provisions of Indiana Code 31-15-4-3(2) & (3), the (Petitioner/Respondent) is hereby ordered to refrain from:

- ☐ Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
- ☐ From coming on or about the family dwelling located at _____;
- ☐ From coming on or about the (Petitioner's/Respondent's) dwelling located at _____;
- ☐ From contacting or coming on or about the (Petitioner's/Respondent's) workplace;
- ☐ From contacting or coming on or about the school of the parties' children;
- ☐ From contacting or coming on or about the daycare center or the babysitter of the parties' children;
- ☐ From contacting or coming on or about such other place, to-wit: _____;

This Order shall remain in effect until entry of a final dissolution decree or until further order of the Court.

The Sheriff and the Law Enforcement Agency where the (Petitioner/Respondent) resides shall receive and maintain a copy of this Order in the Protective Order Depository as provided by Indiana Code 5-2-9.

Pursuant to the provisions of Indiana Code 35-46-1-15.1, a Law Enforcement Officer may arrest the person subject to this Order for the Offense of Invasion of Privacy, a Class B Misdemeanor punishable by imprisonment of up to 180 days and a fine of \$1,000.00 when the officer has probable cause to believe that such person has violated this Order.

SO ORDERED THIS _____ DAY OF _____, 20__.

Judge, _____ Court

Order tendered by:

Copies distributed to: (Must include Sheriff)

APPENDIX H

Suggested form of Protective Order in a Dissolution action (commonly referred to as a Permanent Restraining Order) under I.C. 31-15-5-1 through 11.

[CAPTION]

PROTECTIVE ORDER
ISSUED UNDER INDIANA CODE 31-15-5-1 THRU 11

(This Protective Order qualifies for filing with a law enforcement agency and a violation of this Order may constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Protective Order should be issued pursuant to the provisions of Indiana Code 31-15-5-1 thru 11, the (Petitioner/Respondent) is hereby ordered to refrain from:

- () Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
- () From coming on or about the family dwelling located at _____;
- () From coming on or about the (Petitioner's/Respondent's) dwelling located at _____;
- () From contacting or coming on or about the (Petitioner's/Respondent's) workplace;
- () From contacting or coming on or about the school of the parties' children;
- () From contacting or coming about the daycare center or the babysitter of the parties children;
- () From contacting or coming about such other place, to-wit: _____;

This Order **shall remain in effect for one (1) year** from the date signed and at the request of a party, may be renewed for not more than one (1) year.

The Sheriff and the Law Enforcement Agency where the (Petitioner/Respondent) resides shall receive and maintain a copy of this Order in the Protective Order Depository as provided by Indiana Code 5-2-9.

Pursuant to the provisions of Indiana Code 35-46-1-15.1, a Law Enforcement Officer may arrest the person subject to this Order for the Offense of Invasion of Privacy, a Class B Misdemeanor punishable by imprisonment of up to 180 days and a fine of \$1,000.00, when the Officer has probable cause to believe that such person has violated this Order.

SO ORDERED THIS _____ DAY OF _____, 20____.

Judge, _____ Court

Order tendered by:

Copies distributed to: (Must include Sheriff)

APPENDIX I**Suggested format for Financial Disclosure Statement under Local Family Rule 3A**

IN THE _____ COURT OF CLARK COUNTY

STATE OF INDIANA

IN RE THE MARRIAGE OF

_____,
PETITIONER

AND

CASE NO. _____

_____,
RESPONDENT**VERIFIED FINANCIAL DISCLOSURE STATEMENT****NOTICE**

YOU ARE HEREBY NOTIFIED THAT YOU MUST SUBMIT YOUR **VERIFIED FINANCIAL DISCLOSURE STATEMENT** WITH THE OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF THIS CASE.

I. PRELIMINARY INFORMATION

Your Full Name:			
Your Address:			
Your DOB:			
Your SS#:			
Date of Marriage:			
Date of Physical Separation:			
Spouse's Name:			
Spouse's SS#:			
Spouse's DOB:			
Children: Name	Social Security #	Age	Date of Birth

YOU MUST ATTACH COPIES OF:

1. Your two (2) most recent paycheck stubs.
2. Your last Federal Income Tax Return including all schedules.

II.INCOME INFORMATION**A.YOUR EMPLOYMENT**

Current Employer				
Address of Employer				
Medical Insurance	Cost each month to you		Who covered?	
Length of Employment				
Job Description				
Gross Income	Per week	Bi-Weekly	Per month	Year
Net Income	Per week	Bi-Weekly	Per month	Year

B.YOUR EMPLOYMENT HISTORY FOR LAST FIVE (5) YEARS

EMPLOYER	DATES OF EMPLOYMENT	COMPENSATION (per wk/month/year)

C.OTHER INCOME

List other sources of income; including but not limited to Dividends, Earned Interest, Rents, Public Assistance (AFDC), Social Security, Worker's Compensation, Child Support from prior marriage, Military or Other Retirement, Unemployment Compensation, etc.

SOURCE	AMOUNTS RECEIVED	REASON FOR ENTITLEMENT

D.FRINGE BENEFITS

Including but not limited to Company Automobile, Health Insurance, Club Memberships, etc.

Type of Benefit	Annual Value

III. PROPERTY**A. MARITAL RESIDENCE (If Owned)**

Location/Address	
Date Purchased	
Purchase Price	\$
Down Payment	\$
Source of Down Payment	
Current Mortgage(s) Balance	\$
Monthly Payment	\$
Current Fair Market Value	\$
1st Mortgage Payable To	
2nd Mortgage Payable To	
Are Taxes Included in Mortgage?	
Is Insurance Included in Mortgage?	

B. OTHER REAL PROPERTY OWNED (THIS MAY INCLUDE CEMETERY PLOTS, UNDEVELOPED LOTS ON LAKES, ETC.)

Location/Address	
Date Purchased	
Purchase Price	\$
Down Payment	\$
Source of Down Payment	
Current Mortgage Balances	\$
Monthly Payment	\$
Current Fair Market Value	\$
1st Mortgage Payable To	
2nd Mortgage Payable To	
Are Taxes Included in Mortgage?	
Is Insurance Included in Mortgage?	

C. VEHICLES (Automobiles, Boats, Motorcycles, Tractors, Trucks, etc.)

MAKE/MODEL OF VEHICLE	DATE ACQUIRED	PURCHASE PRICE	TITLE WHOSE NAME	WHO DRIVES?	CURRENT VALUE
--------------------------	------------------	-------------------	------------------------	----------------	------------------

		\$			\$
		\$			\$
		\$			\$
		\$			\$
		\$			\$
		\$			\$

D. OTHER PERSONAL PROPERTY (Household furnishings, Jewelry, tools, lawn furnishings, guns, collections, etc. please list items separately [Attach additional pages if necessary])

DESCRIPTION	DATE ACQUIRED	PURCHAS PRICE	BALAN C OWED	PAYMENT	CURRENT VALUE	IF YOU WANT TO RETAIN *
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
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		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	

DESCRIPTION	DATE ACQUIRED	PURCHAS PRICE	BALAN C OWED	PAYMENT	CURRENT VALUE	IF YOU WANT TO RETAIN *
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	

[illegible]

E. BANK OR CREDIT UNION (SAVINGS, CHECKING, MONEY MARKET, CD) TO WHICH YOU AND/OR SPOUSE HAVE/HAD A DIRECT OR INDIRECT INTEREST WITHIN THE LAST YEAR (This includes any bank account to which you or your spouse has deposited money) (FOR BOTH HUSBAND AND WIFE ACCTS)

NAME BANK	WHOSE NAME ON ACCOUNT	TYPE ACCOUNT	ACCOUNT NUMBER	BALANCE DATE OF SEPARATION	CURRENT BALANCE
				\$	\$
				\$	\$
				\$	\$
				\$	\$

F. STOCKS, BONDS, MUTUAL FUNDS

NAME OF STOCK OR FUND	WHOSE NAME ON ACCOUNT	DATE PURCHASED	NUMBER OF SHARES	CURRENT PRICE PER SHARE	CURRENT VALUE
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$

G. INSURANCE POLICIES

NAME OF COMPANY	POLICY NUMBER	POLICY HOLDER NAME	BENEFICIARY NAME	FACE VALUE	CASH VALUE
				\$	\$
				\$	\$
				\$	\$

(If you don't know, call your agent)

H. RETIREMENT BENEFITS, 401K, IRA, KEOGH, PENSION, ETC.

COMPANY	TYPE ACCOUNT	ACCOUNT NUMBER	VALUE	OWNER YOU OR SPOUSE
			\$	
			\$	
			\$	
			\$	

I. INTEREST IN BUSINESS

NAME OF BUSINESS	TYPE (Corp., Partner, Sole Owner)	% (Percent) OWNED	ESTIMATED VALUE
			\$
			\$
			\$

IV. DEBTS (including but not limited to Mortgages, Charge Cards, Loans, Medical Credit Union, Etc.; attach separate list, if necessary) Bills,

NAME OF CREDITOR	MONTHLY PAYMENT	CURRENT BALANCE	(H) HUSBAND (W) WIFE (J) JOINT
1ST MORTGAGE NAME	\$	\$	

2ND MORTGAGE NAME	\$	\$	
AUTO (MODEL)	\$	\$	
AUTO (MODEL)	\$	\$	
CREDIT CARD:	\$	\$	
CREDIT CARD:	\$	\$	
CREDIT CARD:	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
TOTALS	\$	\$	

V. YOUR ASSETS OWNED PRIOR TO OR RECEIVED DURING THE MARRIAGE
THROUGH INHERITANCE OR GIFT (Whether now owned or not) (Show significant assets only)

A. ASSETS OWNED BY YOU PRIOR TO THE MARRIAGE

[illegible]

B. ASSETS RECEIVED BY YOU DURING THE MARRIAGE BY GIFT OR INHERITANCE

DESCRIPTION	CURRENT VALUATION	RECEIVED FROM
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	

VI. SUMMARY OF ASSETS AND DEBTS

ASSET	VALUE
HOME	\$
OTHER REAL ESTATE	\$
OTHER REAL ESTATE	\$
VEHICLE	\$
VEHICLE	\$
VEHICLE	\$
OTHER PERSONAL PROPERTY	\$
BANK ACCOUNTS	\$
STOCKS, MUTUAL FUNDS	\$
INSURANCE - CASH VALUE	\$
RETIREMENT	\$
BUSINESS INTEREST	\$
OTHER	\$
TOTAL	\$

DEBTS	BALANCE DUE
MORTGAGE(S) ON HOME	\$
MORTGAGE(S) ON OTHER REAL ESTATE	\$
CAR LOAN	\$
CAR LOAN	\$
CREDIT CARDS	\$
MEDICAL BILLS	\$

GENERAL CREDITORS	\$
NOTE LOANS	\$
OTHER DEBTS	\$
TOTAL	\$

(ASSETS MINUS DEBTS) TOTAL NET WORTH	\$
--------------------------------------	----

VERIFICATION & DUTY TO SUPPLEMENT OR AMEND

I affirm, under penalties for perjury, that the foregoing representations are true to the best of my knowledge and belief. Further, I understand that I am under a duty to supplement or amend this VERIFIED FINANCIAL DISCLOSURE STATEMENT prior to trial if I learn that the information which has been provided is either incorrect or that information provided is no longer true.

SO DECLARED this ____ day of _____, 20 ____.

Signature

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Verified Financial Disclosure Statement was delivered to the opposing party or his/her attorney of record, as set forth below, either in person or by U.S. mail postage prepaid this ____ day of _____, 20 ____:

Signature of Counsel or Pro Se

APPENDIX J

MINIMUM PARENTING GUIDELINES

It is the goal of the Courts to encourage as much flexibility as possible regarding the exercise of parenting time. These guidelines are intended to advise parents of the *minimum* parenting time to which the non-custodial parent is entitled in most cases. The parents may agree to a schedule different from these guidelines when it is in the best interests of the children and meets the needs of both parents. Absent an agreement, however, the following parenting time shall be ordered.

1. The non-custodial parent shall have the following parenting time with the child or children of the parties except where the children are less than one (1) year old or where geographic distances make compliance with these guidelines prohibitive:

- [a] On alternating weekends from 6:00 P.M. on Friday until 6:00 P.M. on Sunday,

or

if the child(ren) is regularly attending school then on alternating weekends from 6:00 P.M. on Friday until the beginning of the school day on Monday, the non-custodial parent to advise the custodial parent of the choice by August 15 before the school fall semester and by December 15 before the spring semester.

If the non-custodial parent chooses parenting time through Monday morning he/she shall have that responsibility throughout that semester and shall make certain that the children are in school on time on every Monday morning.

- [b] Provided there exists no conflict with school activities, one evening per week from 6:00 P.M. until 8:00 P.M., the evening to be agreed upon by the parties. If the parties cannot agree, the-evening shall be Wednesday;

- [c] In years ending with an odd number:

- [1] The evening before each child's birthday from 6:00 P.M. until 9:00 P.M.;

- [2] Memorial Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday;
- [3] Independence Day from 6:00 P.M. on July 3 until 6:00 P.M. On July 5;
- [4] Thanksgiving holiday from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday;
- [5] From 6:00 P.M. on December 20 until 11:00 P.M. on Christmas Eve; and
- [6] Martin Luther King holiday from 6:00 P.M. on the day before until 6:00 P.M. on the holiday.

[d] In years ending with an even number:

- [1] On each child's birthday for the entire day until 8:00 P.M. unless a school day, then in such event from the end of school until 8:00 P.M. (The non-custodial parent is further entitled to simultaneous parenting time with the child's siblings on such day);
- [2] Easter weekend from 6:00 P.M. on Friday until 6:00 P.M. on Sunday;
- [3] Labor Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday;
- [4] During Christmas holidays from 11:00 P.M. on Christmas Eve until 6:00 P.M. on January 1;
- [5] From 6:00 P.M. on the evening before the school spring break until 7:00 P.M. on the last day of the school spring break.

[e] On the non-custodial parent's Birthday and Mother's Day or Father's Day, as applicable, from 10:00 A.M. until 6:00 P.M.

Similarly, the custodial parent shall have parenting time on the custodial parent's Birthday and Mother's Day or Father's Day, as applicable, when such day conflicts with these guidelines.

[f] In the summertime for **school age children**, for two non-consecutive three (3) week periods during the summer months, the periods to be agreed upon by the parties on or before May 15th of each year. However, if the summer parenting time is less than twelve (12) weeks, the vacation time shall be split equally between the parties.

There shall be no weekend parenting time during the exercise of these periods and the custodial parent shall be entitled to similar extended periods without interruption.

- [g] In the summertime for **pre-school age children**, for two (2) weeks in the month of June and for two (2) weeks in the month of July, the periods to be agreed upon by the parties on or before May 15th of each year.
- [h] Such other parenting time as may be agreed upon between the parties.

Missed Weekend Parenting Time as the Result of Holiday or Other Superseding Time.

Whenever the child(ren) is with one of his or her parents for two (2) consecutive weekends, then notwithstanding any other provisions contained within these Guidelines, the parent that did not have physical custody of the child(ren) for these two (2) weekends, shall have the child for the following weekend and the parties shall then re-establish alternate weekend parenting time. The only exception to this provision of the reconfiguration of “alternate weekend parenting time” shall be during those times that either parent is exercising the extended summer parenting time as outlined herein. This provision is not intended to apply when the parents agree to “trade” weekends, unless this is the desire of the parties.

2. Where geographical distances make compliance with these guidelines prohibitive, the non-custodial parent shall have the following parenting time with the child or children of the parties:

- [a] One (1) weekend per month beginning at 6:00 P.M. on Friday until 6:00 P.M. on Sunday, the parties to agree on the weekend;
- [b] Six (6) consecutive weeks of summer parenting time, the weeks to be agreed upon by the parties on or before May 15th of each year;
- [c] One (1) week at spring break beginning at 6:00 P.M. on the Friday the school week ends before spring break until 6:00 P.M. on the Sunday before school resumes;
- [d] During odd numbered years, for the Thanksgiving holiday from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday;
- [e] During the Christmas holiday, from 6:00 P.M. on December 25 until 6:00 P.M. on January 1;
- [f] Such other parenting time as may be agreed upon by the parties.

3. Where a child is less than one (1) year old, parenting time shall be each week on Saturdays or Sundays, the parties to agree on the day, from 10:00 A.M. until 6:00 P.M. If the child is less than three (3) months old, such period shall be from 2:00 P.M. until 6:00 P.M.

4. The non-custodial parent shall advise the custodial parent forty-eight (48) hours in advance if he or she does not intend to exercise any period of parenting time.

5. Unless prior arrangements are made, the non-custodial parent shall pick up the children] at the times specified and return the children] at the times specified, and the custodial parent shall have the children] ready at the scheduled pick-up time and shall be present at the home to receive the children] at the scheduled return time.

6. The custodial parent shall send with the children sufficient clothing and outer wear appropriate for the season to last the period of parenting time.

7. Each parent shall supply the other with his or her current address and telephone number and shall allow liberal but reasonable telephone and mail privileges with the children.

8. The custodial parent shall inform the non-custodial parent of the children's school and/or social functions permitting parental participation within twenty-four (24) hours of notification to the custodial parent of such function, and the non-custodial parent shall be permitted to attend such functions, regardless of when the function occurs.

The opportunity to attend school functions should not be denied the children because the custodial parent is not able to attend. In such instances the children shall be allowed to attend with their non-custodial parent.

9. Each parent shall have rights of access to all providers of services to the children] as well as all medical reports, school reports, and the like, issued by any provider of services, all without the need of consent from either party. The custodial parent, nonetheless, shall take the necessary action with school authorities to list the non-custodial parent as a parent of the children], to authorize the school to release to the non-custodial parent any and all information concerning the children], and to otherwise insure that the non-custodial parent receives copies of all grade reports and any notices regarding the children], including scheduled meetings concerning the children].

10. The custodial parent shall promptly inform the non-custodial parent of any illness of the children] which shall require medical attention.

11. Each parent shall have the right of first refusal for child care or babysitting needs of the other parent whenever either parent has a need for child care or babysitting for a duration of four (4) hours or more. A good faith attempt should be made to inquire of the other parent with as much advanced notice as possible. The other parent is under no obligation to provide the child care or babysitting and if he or she elects to provide the care it shall be a no cost.

12. The child support obligation of the non-custodial parent shall abate by 50% during any period of parenting time of six (6) consecutive days or longer provided the non-custodial parent is current in the court-ordered support obligation (including ordered arrearage payments, if any).

If, as parents, you agree that it is in the best interests of your children to adopt a schedule different from these guidelines, such an agreement should be in writing and approved and ordered by the Court. Without such approval and order, the Court will not enforce such an agreement should a denial of parenting time occur. Under such circumstances, the Court will enforce guideline parenting time.